

Message Text

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51

ACTION EUR-12

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FOR EUR/RPM

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E.O. 11652: N/A

TAGS: PFOR EGEN CSCE

SUBJECT: CSCE POLICY: BASKET II - DEVELOPING COUNTRIES

REF: STATE 125355

1. DEVELOPING COUNTRIES TEXT AS REPORTED GENEVA 3941 WAS CLOSE TO ACCEPTANCE BY COMMITTEE II (INCLUDING IMPROVED ENGLISH VERSION PROPOSED BY DEPT) WHEN FRENCH WITHDREW THEIR SUPPORT FOR IT. NO FULLY ADEQUATE EXPLANATION FOR FRENCH SHIFT HAS BEEN FORTHCOMING, ONLY THAT HIGH FRENCH LEGAL AUTHORITY INSISTS THEY CANNOT AGREE TO NOTION OF ACCEPTANCE OF UN ACTIONS IN PHRASE "TELS QU'ILS ONE ETE ACCEPTEES PAR CHAQUE ETAT PARTICIPANT."

2. ALTERNATIVE TEXTS HAVE BEEN INTENSIVELY DISCUSSED IN EC AND NATO CAUCUS FOR SEVERAL WEEKS, WITH US MAKING CLEAR THROUGHOUT OUR FIRM INSTRUCTIONS ON FOREGOING LANGUAGE (REFTEL). CANADA, UK AND FRG EXPRESSED FULL AGREEMENT WITH US POSITION BUT ALL PREPARED TO BEND AS PRICE OF COMPLETING WORK ON THIS OUTSTANDING ISSUE IN COMMITTEE II.

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3. IN COMMITTEE II JUNE 26, EC PUT FORWARD FOLLOWING VERSION: "REAFFIRMING THEIR WILL TO COOPERATE FOR THE ACHIEVEMENT OF THE AMS AND OBJECTIVES ESTABLISHED BY THE APPROPRIATE BODIES OF THE UN IN THE PERTINENT DOCUMENTS CONCERNING DEVELOPMENT, TAKING INTO ACCOUNT THE POSITIONS TAKEN ON THEM BY EACH PARTICIPATING STATE. NUMEROUS VARIATIONS WERE PROPOSED, SUCH AS "BEARING IN MIND POSITIONS TAKEN," "WITHOUT PREJUDICE TO ...ETC." US PROPOSED BRACKETING "TAKING INTO ACCOUNT" CLAUSE IN PARALLEL WITH BRACKETED "INSOFAR AS EACH PARTICIPATING STATE HAS ACCEPTED THEM."

4. SINCE IT WAS CLEAR NEITHER VERSION ACCEPTABLE TO ALL COUNTRIES, COMMITTEE DISSOLVED INTO INFORMAL WORKING GROUP WHICH CAME UP WITH FOLLOWING: "IT BEING UNDERSTOOD THAT EACH PARTICIPATING STATE MAINTAINS THE POSITIONS IT HAS TAKEN ON THEM."

5. NO EFFORT WAS MADE TO REACH CONSENSUS SINCE MOST DELEGATES NEED TO SECURE INSTRUCTIONS. SPECIAL COMMITTEE II MEETING SET FOR JUNE 30 TO REPORT REACTIONS AND HOPEFULLY COMPLETE WORK ON CLAUSE.

6. ONLY RESERVE AT MOMENT IS BY YUGOSLAVIA WHICH HOLDING OUT FOR "INTENTION TO WORK" IN PLACE OF "WILL TO COOPERATE." AUSTRIA ARGUED NEW VERSION IMPLIES FIXING OF POSITIONS EACH COUNTRY ORIGINALLY ADOPTED IN UN. HOWEVER, WITHDREW OBJECTION WHEN YUGOSLAVIA, UK AND USSR SAID THEY INTERPRETED "POSITIONS" AS THOSE HELD AT ANY GIVEN TIME, NOT JUST WHEN ACTION TAKEN AT UN.

7. COMMENT: WE FULLY RECOGNIZE WEAKNESS OF THIS COMPROMISE LANGUAGE BUT RECOMMEND ITS SERIOUS CONSIDERATION TO DEPT IN INTEREST OF COMPLETING ACTION ON MATTER WHICH HAS ALREADY HELD UP COMMITTEE II MANY WEEKS. OTHER WESTERN DELEGATES SUPPORT OUR UNAMBIGUOUS VERSION BUT CONSIDER IT UNATTAINABLE. UK SAYS LONDON LEGAL STAFFS HAVE CAREFULLY STUDIED MATTER AND ARE RESIGNED TO ACCEPTING ANY OF SEVERAL FORMULATIONS PUT FORWARD ON GROUNDS THAT (A) FIRST PART HAS BEEN LIMITED OFFICIAL USE

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WEAKENED BY REPLACING "INTENTION TO WORK" WITH "WILL TO COOPERATE"; (B) INTENT OF RESERVE CLAUSE IS CLEAR ENOUGH TO TEXT COULD NOT BE HELD AGAINST THEM IN ANY LEGAL OR MORAL WAY. WE ALSO NOTE THAT FIRST PART AS MODIFIED COULD BE CONSTRUED IN GENERAL TERMS, NOT NECESSARILY RELATING TO EACH AND EVERY UN DOCUMENT.

8. REQUEST INSTRUCTIONS BY OPENING OF

BUSINESS ON MONDAY, JUNE 30. DALE

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